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Attorneys for Plaintiff
CHAD EMPEY

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHAD EMPEY,

Plaintiff,

vs.

ALLIED PROPERTY & CASUALTY
INSURANCE COMPANY, and DOES 1 to
50, inclusive,

Defendants.

Case No. 3:11-CV-00733-SC

**JOINT STIPULATION AND [PROPOSED]
ORDER REGARDING THE HEARING
AND BRIEFING SCHEDULE FOR
PARTIAL SUMMARY JUDGMENT
MOTION AND DISCOVERY AND
PRETRIAL DEADLINES**

Complaint filed: January 20, 2011

Plaintiff CHAD EMPEY ("Plaintiff") and Defendant ALLIED PROPERTY &
CASUALTY INSURANCE COMPANY ("Allied") (collectively, the "Parties") through their
respective counsel present the following stipulation and proposed order regarding the hearing and

1 briefing schedule for Defendant's partial summary judgment motion and discovery and pretrial
2 deadlines. This stipulation is based on the following:

3 WHEREAS, the Parties commenced mediation activities with Thomas H.R. Denver on
4 September 23, 2011, and are currently engaged in continued mediation activities with Mr.
5 Denver, and due to the Parties' conflicting schedules, such discussions are not set to conclude
6 until November 14, 2011. The Parties believe that they may be able to resolve some differences
7 regarding the claims in this action, and respectfully request modification of upcoming pretrial
8 discovery and motion dates in order to permit the Parties additional time to pursue settlement
9 discussions. This stipulation is based on the following:

10 WHEREAS, a Status Conference was held for this matter on May 27, 2011, where the
11 Court set the following dates:

- 12 1. Discovery Cutoff: November 30, 2011
- 13 2. Last day to hear motions: December 9, 2011
- 14 3. Pretrial Conference Statement: No Date Set
- 15 4. Pretrial Conference: January 13, 2012
- 16 5. Jury Trial: January 30, 2012

17 WHEREAS, Defendant filed its Motion for Partial Summary Judgment on September 22,
18 2011 in accordance with the Status Conference, and the Court set the hearing for it for December
19 9, 2011;

20 WHEREAS, the Court thereafter modified the briefing schedule on the Motion for Partial
21 Summary Judgment such that Plaintiff's Opposition is now due on November 21, 2011, and
22 Defendant's Reply is now due on December 2, 2011;

23 WHEREAS, the deadline for expert disclosure is currently set for October 28, 2011;

24 WHEREAS, in the interest of judicial economy and in hopes that this matter will resolve,
25 the Parties seek to avoid unnecessary discovery and motion practice prior to the conclusion of
26 mediation efforts. If the case does not resolve, the parties will need to engage in further
27 discovery, including taking more than 20 depositions, paying expert fees, and expending valuable
28 judicial resources, which the parties hope to avoid by modifying the above scheduled dates.

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STIPULATION

IT IS HEREBY STIPULATED AND AGREED TO BY AND BETWEEN THE PARTIES by and through their respective counsel of record herein that:

1. Plaintiff's opposition to Defendant's Motion for Summary Judgment shall be continued to December 5, 2011;
2. The deadline for expert disclosure shall be continued to December 7, 2011;
3. Non-expert discovery cutoff shall be continued to December 7, 2011;
4. Defendant's reply to Plaintiff's opposition shall be continued to December 16, 2011;
5. The hearing for Defendant's Motion for Summary Judgment shall be continued to ~~December 23, 2011;~~ January 13, 2012
6. The last day to hear motions shall be continued to ~~December 23, 2011;~~ January 13, 2012
7. The deadline for disclosing rebuttal experts shall be December 28, 2011;
8. Expert discovery cutoff shall be January 12, 2012
9. Any other previously scheduled dates that the Court deems appropriate shall be rescheduled accordingly; or
10. In the alternative, the Parties respectfully request that the Court schedule an emergency Case Management Conference.

ORDER

The foregoing stipulation having been entered and good cause appearing therefor, IT IS HEREBY ORDERED that:

The current deadlines for this case shall be modified as follows:

1. Plaintiff's opposition to Defendant's Motion for Summary Judgment shall be continued to December 5, 2011;
2. The deadline for expert disclosure shall be continued to December 7, 2011;
3. Non-expert discovery cutoff shall be continued to December 7, 2011;
4. Defendant's reply to Plaintiff's opposition shall be continued to December

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16, 2011;

5. The hearing for Defendant's Motion for Summary Judgment shall be continued to January 13, 2012 ~~December 23, 2011~~;

January 13, 2012

6. The last day to hear motions shall be continued to ~~December 23, 2011~~;

7. The deadline for disclosing rebuttal experts shall be December 28, 2011;


8. Expert discovery cutoff shall be January 12, 2012.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: October 27, 2011


Attorneys for Plaintiff

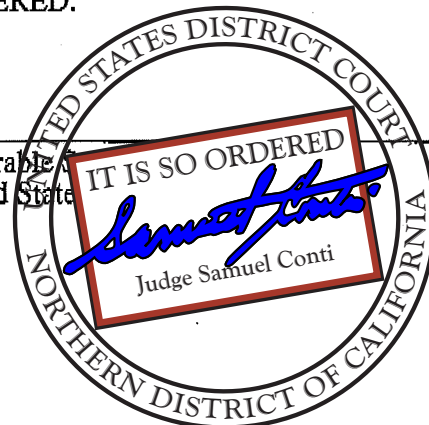
DATED: October 28, 2011


Attorneys for Defendant

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: October 31, 2011

Honorable
United States



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CERTIFICATE OF SERVICE

I certify that a copy of this document was served electronically on October 28, 2011, on counsel of record in compliance with Federal Rule 5, Local Rule 5.6 and General Order 45, by use of the Court's ECF system.

/s/ Rebecca K. Kimura

REBECCA K. KIMURA

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